

July 1, 1994, or to delete any approval that have been terminated since that date.

DATES: The effective date of this rule is on June 30, 1995.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

This document will consolidate the OMB control numbers for various regulations issued under the Federal Insecticide, Fungicide and Rodenticide Act, the Toxic Substances Control Act, and section 313 of the Emergency Planning and Community Right-to-Know Act that have published since July 1, 1994.

The information collection requests and the OMB control numbers included in this technical amendment were previously subject to public notice and comment prior to OMB approval. As such, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553) to issue this technical amendment without prior notice and comment.

List of Subjects in 40 CFR Part 9

Information collection request,
Reporting and recordkeeping
requirements.

Dated: June 26, 1995.

Lynn R. Goldman,

*Assistant Administrator for Prevention,
Pesticides and Toxic Substances.*

Therefore, 40 CFR chapter I, part 9 is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 et seq., 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 et seq., 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

§ 9.1 [Amended]

2. In § 9.1 the table is amended as follows:

a. Under the heading "Reporting and Recordkeeping Requirements", by removing the entries "part 704, subpart

C" and the entry "part 704, subpart D" in their entirety.

b. Under the heading "Inventory Reporting Regulations" by Removing the entry "part 710, subpart B," and adding "part 710" in place thereof.

c. Under the heading "Pesticide Registration and Classification Procedures," remove the entry for § 152.142.

d. Remove the heading "Registration Policies and Interpretations," and the entry "part 153, subpart D".

e. Under the heading "Significant New Uses of Chemical Substances," by removing the entries §§ 721.2225, 721.3240, 721.3254, 721.3367, 721.3580, 721.5660, 721.6193, 721.8125, 721.9668, and 721.9760, and by adding the following entries in section number order:

40 CFR citation	OMB control No.
Significant New Uses of Chemical Substances	
* * * *	*
721.642	2070-0012
* * * *	*
721.825	2070-0012
* * * *	*
721.1187	2070-0012
* * * *	*
721.1755	2070-0012
* * * *	*
721.1769	2070-0012
* * * *	*
721.1907	2070-0012
* * * *	*
721.2085	2070-0012
* * * *	*
721.2088	2070-0012
* * * *	*
721.2410	2070-0012
* * * *	*
721.3028	2070-0012
* * * *	*
721.3034	2070-0012
* * * *	*
721.3437	2070-0012
* * * *	*
721.3627	2070-0012
* * * *	*
721.3790	2070-0012
* * * *	*
721.3815	2070-0012
* * * *	*
721.4110	2070-0012
* * * *	*
721.4470	2070-0012
* * * *	*
721.4594	2070-0012
* * * *	*
721.5540	2070-0012
* * * *	*
721.6820	2070-0012
* * * *	*
721.8155	2070-0012
* * * *	*
721.8170	2070-0012
* * * *	*
721.8670	2070-0012

40 CFR citation	OMB control No.
* * * *	*
721.9505	2070-0012
721.9540	2070-0012
* * * *	*

3. Under the heading "Asbestos," by removing the entry "part 763, subpart D" and by removing the entry "part 763, subpart F."

4. Under the heading "Identification of Specific Chemical Substance and Mixture Testing Requirements," by removing completely the entries for §§ 799.500, 799.925, 799.940, 799.1051, 799.1052, 799.1054, 799.1285, 799.1550, 799.1650, 799.2175, 799.2200, 799.3175, 799.3450, 799.4000, and 799.4400.

[FR Doc. 95-16186 Filed 6-29-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 52

[W150-01-6739a; FRL-5219-7]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) approves a revision to Wisconsin's State Implementation Plan (SIP) for ozone which was submitted to the USEPA on June 30, 1994 and supplemented on July 15, 1994. This revision consists of volatile organic compound (VOC) regulations which establish reasonably available control technology (RACT) for yeast manufacturing, molded wood parts or products coating, and wood door finishing. These regulations were submitted to address, in part, the requirement of section 182(b)(2)(C) of the Clean Air Act (Act) that States revise their SIPs to establish RACT regulations for major sources of VOCs for which the USEPA has not issued a control technology guidelines (CTG) document. In the proposed rules section of this **Federal Register**, the USEPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this action, the USEPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. A second public comment period will not be held.

Parties interested in commenting on this action should do so at this time.

DATES: This action will be effective August 29, 1995, unless an adverse comment is received by July 31, 1995. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the State submittal are available for public review during normal business hours at the above address. (It is recommended that you telephone Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 office.)

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886-1767.

SUPPLEMENTARY INFORMATION: Section 182(b)(2) of the Act requires States to adopt VOC RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. Section 182(b)(2)(C) specifically requires that States submit revisions to the SIP for major sources of VOCs for which the USEPA has not issued a CTG document. The counties of Kewaunee, Manitowoc, and Sheboygan and the Milwaukee area (including Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha) are the only areas in Wisconsin designated nonattainment and classified as moderate or above. Therefore, these are the areas in Wisconsin subject to the RACT catch-up requirements of section 182(b)(2) of the Act.

Because the USEPA has not issued a CTG for yeast manufacturing, molded wood parts or products coating, or wood door finishing, the State of Wisconsin developed non-CTG regulations for these categories. These regulations were submitted to the USEPA by the State on June 30, 1994 and supplemented on July 15, 1994.

Yeast Manufacturing

Because each fermentation stage has a specific function in the manufacturing of yeast, the State's regulation limits the VOC concentration of the exhaust of each fermentation stage differently. The State's regulation limits average VOC concentrations in the exhaust gas stream

to 100, 150, and 300 ppm for trade, first generation, and stock fermenters, respectively. An exemption is allowed for the fermentation of any yeast varieties which amount to less than 1 percent by weight of the facility's total annual liquid yeast production.

Molded Wood Parts or Products Coating

For sources using flow coating, the State's regulation sets the following limits beginning on May 30, 1995: 2.5 lbs VOC/gallon for white pigmented prime coatings, 2.75 lbs VOC/gal for tinted pigmented prime coatings, and 5.3 lbs VOC/gal for topcoats. The State further tightens the limit for topcoats to 3.5 lbs VOC/gal beginning on May 1, 1997. For sources using any other application method the state sets the following limits beginning on May 30, 1995: 5.9 lbs VOC/gal for prime coatings and 3.5 lbs VOC/gal for topcoats. The State further tightens the limit for prime coats to 2.5 lbs VOC/gal beginning on November 15, 1996. An exemption is granted for the use of topcoats that are applied as a stripe not more than 1/2 inch in width to croquet balls and whose use in aggregate never exceeds 500 gallons per year, as applied.

Wood Door Finishing

The State's regulations set the following limits: 6.9 lbs VOC/gal on or after May 31, 1995 but before May 1, 1997 and 5.7 lbs VOC/gal on or after May 1, 1997. Additionally, it is required that coatings only be applied using electrostatic application, flow coating, dip coating, low-pressure spray methods, paint brush, hand roller or roll coater.

To determine the approvability of a VOC rule, USEPA must evaluate the rule for consistency with the requirements of section 110 and part D of the Act. In addition, USEPA has reviewed the Wisconsin rule in accordance with USEPA policy guidance documents and regulations, including "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice," Model VOC RACT Rules as attached to the June 24, 1992 memorandum entitled "Volatile Organic Compounds (VOC) Rules for Reasonably Available Control Technology (RACT)," and the Chicago Federal Implementation Plan as published in the **Federal Register** on June 29, 1990 (55 FR 26814), codified at 40 CFR § 52.741. The USEPA has found that the rules meet the requirements applicable to ozone and are, therefore, approvable for incorporation into the State's ozone

SIP. A more complete discussion of the USEPA's review of the State's regulations is contained in technical support documents dated December 21, 1994, and April 18, 1995. The USEPA is approving this revision as meeting, in part, the RACT catch-up requirements of section 182(b)(2) of the Act.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on August 29, 1995, unless USEPA receives adverse or critical comments by July 31, 1995.

If the USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date, and publish a subsequent **Federal Register** document which withdraws this final action. All public comments received will then be addressed in a subsequent document. Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on August 29, 1995.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, the USEPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and

government entities with jurisdiction over populations of less than 50,000.

The SIP approvals under section 110 and subchapter I, part D, of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 29, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: May 31, 1995.

David A. Ullrich,

Acting Regional Administrator.

40 CFR part 52, is amended as follows:

Subpart YY—Wisconsin

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Section 52.2570 is amended by adding paragraph (c)(81) to read as follows:

§ 52.2570 Identification of Plan.

* * * * *

(c) * * *

(81) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 30, 1994,

and supplemented on July 15, 1994. This revision consists of volatile organic compound regulations which establish reasonably available control technology for yeast manufacturing, molded wood parts or products coating, and wood door finishing.

(i) Incorporation by reference. The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 422.02(7), (34) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 422.02(12e), (18m), (24s), (27m), (33d), (34m), (46m), and (51) as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(B) NR 422.03(intro.) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994. NR 422.03 (8) and (9) as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(C) NR 422.04(1)(a) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(D) NR 422.132 as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(E) NR 422.135 as created and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(F) NR 424.02 (3), (4), (5), (6), and (7) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(G) NR 424.05 as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(H) NR 439.04(5)(a)(intro.) as amended and published in the (Wisconsin) Register, August, 1994, No. 464, effective September 1, 1994.

(I) NR 439.075(2)(a)4. as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(J) NR 439.09(7m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994. NR 439.09(9)(b) as amended and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(K) NR 439.095 (1)(e) and (5)(e) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(L) NR 484.05(9) as renumbered from NR 484.05(2), amended and published in the (Wisconsin) Register, August,

1994, No. 464, effective September 1, 1994.

[FR Doc. 95-16064 Filed 6-29-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 372

[OPPTS-400032B; FRL-4962-4]

RIN 2070-AC00

Ammonia; Ammonium Sulfate (solution); Ammonium Nitrate (solution); Water Dissociable Ammonium Salts; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking the following four actions in response to a petition to delete ammonium sulfate (solution) from the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA): (1) Deleting ammonium sulfate (solution) from the EPCRA section 313 list of toxic chemicals; (2) requiring that threshold and release determinations for aqueous ammonia be limited to 10 percent of the total ammonia present in aqueous ammonia solutions; (3) modifying the ammonia listing by adding a qualifier; and (4) deleting ammonium nitrate (solution) as a separately listed chemical on the EPCRA section 313 list of toxic chemicals. EPA has concluded that the aqueous ammonia present in ammonium sulfate (solution) is more appropriately reported under the EPCRA section 313 ammonia listing, and that reporting 10 percent total aqueous ammonia under the ammonia listing is appropriate and provides sufficient information for the public to assess the impacts of releases of aqueous ammonia. EPA has also concluded that releases of ammonium nitrate (solution) are more appropriately reported under the EPCRA section 313 listings for ammonia and the water dissociable nitrate compounds category.

EFFECTIVE DATES: All provisions of this rule are final June 30, 1995. For effective dates on the reporting requirements, see Unit IV. of this preamble.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, 202-260-9592, e-mail:

doa.maria@epamail.epa.gov, for specific information on this final rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline,